

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION of the State of Illinois,)
Division of Professional Regulation, Complainant,)
v.) No. 2017-04232
DAVID B. ALTMAN, M.D.)
License No. 036-047157, Respondent.)

19 MAY 30 PM 2:13
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PRELIMINARY HEARING

DAVID B. ALTMAN, M.D.
Care of Scott Hammer, Esq.
Via email

PLEASE TAKE NOTICE that on **Monday, June 24, 2019 at 1:00 p.m.** you are directed to appear before the Administrative Law Judge of the Department of Financial and Professional Regulation of the State of Illinois (the "Department") located at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601, at which time a hearing date will be set. You are requested to then and there present any and all routine motions you may wish to have heard regarding the charges contained in the attached Complaint. Any motions presented on the above date should be served on the Adjudicative Services Unit of the Department of Financial and Professional Regulation, Division of Professional Regulation, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601 at least three (3) business days in advance of the scheduled hearing.

Your appearance on the scheduled date and time is mandatory and your failure to so appear may result in the selection of a hearing date in your absence, unless a continuance has been secured in advance. Your appearance may be made personally or through counsel.

It is required that you file a Written Answer to the attached Complaint under oath and penalty of perjury with the Department within twenty (20) days after this notice was mailed. The Answer should address each numbered paragraph of the Complaint. The Answer shall be signed under oath and your signature must be verified by a notary public who affixes the notary seal to the document. For each paragraph of the Complaint, the Answer should either:

- a) admit the allegation in the paragraph;
- b) deny the allegation in the paragraph;
- c) state under oath that you have insufficient information with which to admit or deny the allegation in the paragraph.

PLEASE BE ADVISED that failure to file a verified Answer may subject you to being held in default. If you are held in default, the Board will assume the allegations of the Complaint to be true and will issue recommendations based on the facts without a Formal Hearing being held. These proceedings are pursuant to the jurisdiction granted to the Department to investigate complaint and to bring this action pursuant to 20 ILCS 2105-15(a)(5) and 225 ILCS 60/36.

RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS IN THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION AND BEFORE COMMITTEES OR BOARDS OF SAID DEPARTMENT AS WELL AS PRACTICE ACTS AND RULES MAY BE OBTAINED AT THE DEPARTMENT'S WEBSITE <http://www.idfpr.com/dpr/default.asp>

PLEASE BE ADVISED THAT YOU WILL HAVE TO SHOW A STATE ISSUED PHOTO IDENTIFICATION AND GO THROUGH A METAL DETECTOR IN ORDER TO GAIN ACCESS TO THE BUILDING.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois; Division of Professional Regulation



Vladimir Lozovskiy
Attorney for the Department

Vladimir Lozovskiy
Staff Attorney, Medical Prosecutions Unit
Department of Financial and Professional Regulation
State of Illinois
100 West Randolph Street, Suite 9-300
Chicago, Illinois 60601
312/814-1691

PROOF OF SERVICE

STATE OF ILLINOIS)
) SS: No. 2017-04232

UNDER PENALTY of perjury, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused the attached Notice of Preliminary Hearing and Department's Complaint to be emailed to Respondent's attorney on May 30, 2019



Affiant

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION of the State of Illinois,)
Division of Professional Regulation, Complainant,)
v.) No. 2017-04232
DAVID B. ALTMAN, M.D.)
License No. 036-047157, Respondent.)

19 MAY 30 PM 2:13

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

COMPLAINT

Now comes the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation (Department), by Frank Lamas, Chief of Medical Prosecutions, and as its COMPLAINT against, David B. Altman, M.D. Respondent, states as follows:

COUNT I

1. Respondent is presently the holder of a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License Number 036-047157, issued by the Department.
2. Respondent's licenses are currently in ACTIVE status.
3. The Department has jurisdiction to investigate complaints and to bring this action pursuant to 225 Illinois Compiled Statutes, Section 60/36.
4. At all times relevant herein, Respondent held a license to practice medicine as a Physician and Surgeon in the State of Illinois.
5. At all times relevant herein, Respondent specialized in psychiatry.
6. Part of Respondent's psychiatric practice involved evaluations of airline pilots to determine if said pilots were psychologically fit for commercial aviation.

7. At all times relevant herein, Respondent was required to utilize standards promulgated by the Federal Aviation Administration (hereafter "FAA") to determine if a pilot was psychologically fit for commercial aviation.
8. At all times relevant herein, Respondent acted as Company Medical Examiner (hereinafter "CME") for Delta Airlines.
9. Between January 2014 and May 2014, Respondent was responsible for conducting an evaluation for patient M.P.
10. On or about January 30, 2014, following a referral from Delta's Director of Health Services, Respondent interviewed patient M.P. to determine patient M.P.'s psychological fitness to be a commercial airline pilot.
11. On or about January 30, 2014, Respondent conducted the first of a series of interviews with Patient M.P.
12. On or about January 30, 2014, Respondent informed patient M.P. that the next steps in the evaluation process included:
 - a. Neuropsychological testing with Dr. Kathy Young;
 - b. Obtaining collateral information from patient M.P.'s past physicians and family members to clarify elements of patient M.P.'s history; and
 - b. Patient M.P. would follow-up with Respondent for additional interviews afterwards.
13. Between February 2014 and April 2014, Respondent did not conduct any follow-up interviews with patient M.P.

14. On or about April 7, 2014, Respondent contacted the Federal Aviation Administration to determine if Delta was justified in arranging a psychiatric/psychological evaluation for Patient M.P.
15. On or about April 28, 2014, Respondent prepared a preliminary report using data from his January 30, 2014 interview with patient M.P.
16. On or about April 28, 2014, Respondent noted in his preliminary report that there was not enough information to make a diagnosis regarding patient M.P. relying on FAA Standards.
17. In his preliminary report regarding patient M.P., Respondent noted the following clinical data and/or information regarding patient M.P.:
 - a. Patient M.P. was experiencing difficulty integrating new information;
 - b. Respondent considered patient M.P.'s difficulty integrating new information to be pervasive enough to conclude that patient M.P. was experiencing fixed false beliefs;
 - c. Patient M.P.'s symptoms had significant aeromedical consequences as it impairs situational awareness;
 - d. That symptom of having fixed false beliefs occurs in a number of medically disqualifying psychiatric diagnoses;
 - e. Some of those diagnoses would be a permanent bar to patient M.P. resuming his flying career;
 - f. As such, a comprehensive evaluation of patient M.P. is critically important;
 - g. Patient M.P.'s response to the report will clarify whether he has one of the diagnoses which would permanently bar patient M.P. from aviation;

h. If Patient M.P. responds to the report by any of the following, his response would suggest one of the diagnoses which would be a permanent bar:

- i. He would further delay the evaluation;
- ii. He would begin legal action against me [Respondent];
- iii. He would file a complaint with the medical board of the State of Illinois;
- iv. He would rescind the releases for the FAA and he would probably blame this action on advice from an unidentified attorney;
- v. He would continue to maintain that the evaluation has no legitimacy;
- vi. He would continue to block the releases he signed during his first interview; and
- vii. In his messages he would continue to allude to upcoming legal action.

i. If patient M.P. responds to the report in the following manner, it would suggest a diagnosis which is potentially resolvable:

- i. He rapidly reschedules the appointments needed to complete the evaluation, complete all requested questionnaires and essays;
- ii. Permits full contact with requested sources of information;
- iii. He discontinues his litigious/adversarial stance; and
- iv. He takes responsibility for his problematic actions.

j. Respondent had not made a definite diagnosis at the time of writing the preliminary report; and

- k. Respondent recommended that patient M.P. not to be on active flight status until completion of the evaluation process.
18. On or about April 28, 2014, Respondent sent his preliminary report to the FAA and patient M.P.
 19. In June 2014, Respondent was informed that evaluation of patient M.P. was suspended.
 20. Respondent completed one interview of patient M.P. before writing his evaluation preliminary report of patient M.P.
 21. As a part of evaluation of patient M.P., Respondent never arrived at a definitive diagnostic conclusion that would indicate patient M.P. did not meet the FAA's psychiatric qualifications to fly.
 22. Respondent's aforementioned preliminary report noted that if patient M.P. began legal action against Respondent, it would be evidence suggesting a diagnosis that would permanently bar patient M.P. from working as a commercial airline pilot.
 23. Respondent's aforementioned preliminary report noted that if patient M.P. filed a complaint with the medical board of the State of Illinois against Respondent, it would suggest a diagnosis that would permanently bar patient M.P. from working as a commercial airline pilot.
 24. Respondent's aforementioned preliminary report noted that if patient M.P. discontinued his litigious or adversarial stance against Respondent, it would suggest a diagnosis that is potentially resolvable.
 25. Respondent used threat of the possibility of a diagnosis that would result in permanently barring patient M.P. from working as a commercial airline pilot to

discourage patient M.P. from reporting Respondent to Illinois Medical Disciplinary Board.

26. The foregoing acts and/or omissions of Respondent are grounds for revocation or suspension of a Certificate of Registration pursuant to 225 ILCS 60/22(A)(5); 68 Ill. Admin. Code 1285.240(a).

WHEREFORE, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, of the State of Illinois, DIVISION OF PROFESSIONAL REGULATION, by Frank Lamas, its Chief of Medical Prosecutions, prays that the Illinois Physician and Surgeon License of David B. Altman, M.D., be revoked, suspended, or otherwise disciplined.

**DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION of the State of
Illinois, DIVISION OF PROFESSIONAL
REGULATION**


Frank Lamas
Chief of Medical Prosecutions

Vladimir Lozovski
Staff Attorney
Department of Financial and Professional Regulation
Division of Professional Regulation
100 West Randolph, 9-300
Chicago, Illinois 60601
312/814-1691

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION of the State of)
Illinois,)
Division of Professional Regulation, Complainant,)
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v.)
)
DAVID B. ALTMAN, M.D.)
License No. 036-047157,)
Respondent.)

No. 2017-04232

DEFENDANT DAVID B. ALTMAN, M.D.'S ANSWER TO COMPLAINT

NOW COMES the Defendant DAVID B. ALTMAN, M.D., by and through its attorney,
Scott D. Hammer of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, and for its Answer to
Complaint, states as follows:

CLERK OF THE COURT
19 JUN 21 AM 11:51
ILL. DEPT. OF FINANCIAL AND
PROFESSIONAL REGULATION

COUNT I

1. Respondent is presently the holder of a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License Number 036-047157, issued by the Department.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 1.

2. Respondent's licenses are currently in ACTIVE status.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 2.

3. The Department has jurisdiction to investigate complaints and to bring this action pursuant to 225 Illinois Compiled Statutes, Section 60/36.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 3.

4. At all times relevant herein, Respondent held a license to practice medicine as a Physician and Surgeon in the State of Illinois.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 4.

5. At all times relevant herein, Respondent specialized in psychiatry.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 5.

6. Part of Respondent's psychiatric practice involved evaluations of airline pilots to determine if said pilots were psychologically fit for commercial aviation.

ANSWER: Respondent denies the allegations contained in Paragraph No. 6.

7. At all times relevant herein, Respondent was required to utilize standards promulgated by the Federal Aviation Administration (hereafter "FAA") to determine if a pilot was psychologically fit for commercial aviation.

ANSWER: Respondent admits that he was required to utilize standards promulgated by the FAA, but denies the remaining allegations contained in Paragraph No. 7.

8. At all times relevant herein, Respondent acted as Company Medical Examiner (hereinafter "CME") for Delta Airlines.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 8.

9. Between January 2014 and May 2014, Respondent was responsible for conducting an evaluation for patient M.P.

ANSWER: Respondent admits that for the time period in question, Respondent attempted to conduct an evaluation for the patient in question but denies the remaining allegations contained in Paragraph No. 9.

10. On or about January 30, 2014, following a referral from Delta's Director of Health Services, Respondent interviewed patient M.P. to determine patient M.P.'s psychological fitness to be a commercial airline pilot.

ANSWER: Respondent admits that on or about January 30, 2014, following a referral from Delta's Director of Health Services, Respondent interviewed patient M.P. to determine if there was evidence of a medically disqualifying condition under the FAA standards and denies the remaining allegations contained in Paragraph No. 10.

11. On or about January 30, 2014, Respondent conducted the first of a series of interviews with Patient M.P.

ANSWER: Respondent admits that on or about January 30, 2014, Respondent conducted an interview with patient M.P., but denies the remaining allegations contained in Paragraph No. 11.

12. On or about January 30, 2014, Respondent informed patient M.P. that the next steps in the evaluation process included:

- a. Neuropsychological testing with Dr. Kathy Young;
- b. Obtaining collateral information from patient M.P.'s past physicians and family members to clarify elements of patient M.P.'s history; and
- b. Patient M.P. would follow-up with Respondent for additional interviews afterwards.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 12.

13. Between February 2014 and April 2014, Respondent did not conduct any follow-up interviews with patient M.P.

ANSWER: Respondent admits he did not conduct any follow-up interviews with patient M.P. because the patient failed to cooperate with the process outlined in Paragraph No. 12.

14. On or about April 7, 2014, Respondent contacted the Federal Aviation Administration to determine if Delta was justified in arranging a psychiatric/psychological evaluation for Patient M.P.

ANSWER: Respondent denies the allegations contained in Paragraph No. 14.

15. On or about April 28, 2014, Respondent prepared a preliminary report using data from his January 30, 2014 interview with patient M.P.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 15.

16. On or about April 28, 2014, Respondent noted in his preliminary report that there was not enough information to make a diagnosis regarding patient M.P. relying on FAA Standards.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 16.

17. In his preliminary report regarding patient M.P., Respondent noted the following clinical data and/or information regarding patient M.P.:

- a. Patient M.P. was experiencing difficulty integrating new information;
- b. Respondent considered patient M.P.'s difficulty integrating new information to be pervasive enough to conclude that patient M.P. was experiencing fixed false beliefs;
- c. Patient M.P.'s symptoms had significant aeromedical consequences as it impairs situational awareness;
- d. That symptom of having fixed false beliefs occurs in a number of medically disqualifying psychiatric diagnoses;
- e. Some of those diagnoses would be a permanent bar to patient M.P. resuming his flying career;
- f. As such, a comprehensive evaluation of patient M.P. is critically important;
- g. Patient M.P.'s response to the report will clarify whether he has one of the diagnoses which would permanently bar patient M.P. from aviation.
- h. If Patient M.P. responds to the report by any of the following, his response would suggest one of the diagnoses which would be a permanent bar:
 - i. He would further delay the evaluation;
 - ii. He would begin legal action against me [Respondent];
 - iii. He would file a complaint with the medical board of the State of Illinois;

- iv. He would rescind the releases for the FAA and he would probably blame this action on advice from an unidentified attorney;
 - v. He would continue to maintain that the evaluation has no legitimacy;
 - vi. He would continue to block the releases he signed during his first interview; and
 - vii. In his messages he would continue to allude to upcoming legal action.
- i. If patient M.P. responds to the report in the following manner, it would suggest a diagnosis which is potentially resolvable:
 - ii. He rapidly reschedules the appointments needed to complete the evaluation, complete all requested questionnaires and essays;
 - iii. Permits full contact with requested sources of information;
 - iv. He discontinues his litigious/adversarial stance, and
 - v. He takes responsibility for his problematic actions.
 - j. Respondent had not made a definite diagnosis at the time of writing the preliminary report; and
 - k. Respondent recommended that patient M.P. not to be on active flight status until completion of the evaluation process.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 17.

18. On or about April 28, 2014, Respondent sent his preliminary report to the FAA and patient M.P.

ANSWER: Respondent admits to the allegations contained in Paragraph No. 18.

19. In June 2014, Respondent was informed that evaluation of patient M.P. was suspended.

ANSWER: Respondent admits the evaluation was suspended due to an alleged sinus problem with patient M.P.

20. Respondent completed one interview of patient M.P. before writing his evaluation preliminary report of patient M.P.

ANSWER: Respondent admits he completed one interview of patient M.P. before writing his evaluation preliminary report of patient M.P. due to patient's failure to cooperate with the process.

21. As a part of evaluation of patient M.P., Respondent never arrived at a definitive diagnostic conclusion that would indicate patient M.P. did not meet the FAA's psychiatric qualifications to fly.

ANSWER: Respondent admits that he never arrived at a definitive diagnostic conclusion that would indicate whether patient M.P. demonstrated evidence of a medically disqualifying condition under the FAA standards and denies the remaining allegations contained in Paragraph No. 21.

22. Respondent's aforementioned preliminary report noted that if patient M.P. began legal action against Respondent, it would be evidence suggesting a diagnosis that would permanently bar patient M.P. from working as a commercial airline pilot.

ANSWER: Respondent admits that Respondent's aforementioned preliminary report noted that if patient M.P. began legal action against Respondent, this response would suggest one of the diagnoses which would be a permanent bar; and denies the remaining allegations in Paragraph No. 22.

23. Respondent's aforementioned preliminary report noted that if patient M.P. filed a complaint with the Medical Board of the State of Illinois against Respondent, it would suggest a diagnosis that would permanently bar patient M.P. from working as a commercial airline pilot.

ANSWER: Respondent admits that Respondent's aforementioned preliminary report noted that if patient M.P. filed a complaint with the Medical Board of the State of Illinois against Respondent, this response would suggest one of the diagnoses which would be a permanent bar; and denies the remaining allegations in Paragraph No. 23.

24. Respondent's aforementioned preliminary report noted that if patient M.P. discontinued his litigious or adversarial stance against Respondent, it would suggest a diagnosis that is potentially resolvable.

ANSWER: Respondent denies the allegations contained in Paragraph No. 24.

25. Respondent used threat of the possibility of a diagnosis that would result in permanently barring patient M.P. from working as a commercial airline pilot to discourage patient M.P. from reporting Respondent to Illinois Medical Disciplinary Board.

ANSWER: Respondent denies the allegations contained in Paragraph No. 25.


26. The foregoing acts and/or omissions of Respondent are grounds for revocation or suspension of a Certificate of Registration pursuant to 225 ILCS 60/22(A)(5); 68 Ill. Admin. Code 1285.240(a).

ANSWER: Respondent denies the allegations contained in Paragraph No. 26.

WHEREFORE, Respondent DAVID B. ALTMAN, M.D. prays for judgment in his favor and that he and his license not sanctioned or otherwise disciplined.

Respectfully submitted,

DAVID B. ALTMAN, M.D.

By: 
One of its Attorneys

Scott D. Hammer - # 6183089
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
55 West Monroe Street-Suite 3800
Chicago, IL 60603
Telephone: (312) 704-0550
Facsimile: (312) 704-1522
Scott.Hammer@wilsonelser.com
Firm I.D. 16741

VERIFICATION

David B. Altman, M.D., being first duly sworn, deposes and states that he has read the foregoing Answer to the Complaint; that he knows the contents thereof; and that said response is true and correct to the best of his knowledge, information and belief.



David B. Altman, M.D.

SUBSCRIBED AND SWORN to
before me this 15th day of June, 2019.



Notary Public




CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing instrument was served on the attorney of record at their respective business addresses indicated below:

Attorney for Complainant

Vladimir Lozovski
Staff Attorney
Medical Prosecutions Attorney Unit
Department of Financial and Professional Regulation
Division of Professional Regulation
100 W. Randolph Street
Suite 9-300
Chicago, IL 60601
T: 312.814.1691
(vladimir.lozovski@illinois.gov)

via hand delivery, facsimile, overnight-next day delivery, electronic mail and/or depositing same in the US Mail at 55 West Monroe Street, Chicago, Illinois 60603, with proper postage prepaid, at or before the hour of 5:00 p.m., on this 21st day of June 2019.


[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.